

July 17, 2006

The Commonwealth of Massachusetts
Department of Telecommunications and Energy
Mary L. Cottrell, Secretary
One South Station
Boston, MA 02110

RE: Compliance with gate box maintenance and improvement requirements of
G.L. c. 164, ~ 116B.

Mary L. Cottrell:

Wakefield Municipal Gas & Light Department is providing an opinion in response to the 10 recommendations made by the Energy Advisors, LLC of Freeport, Maine regarding The Commonwealth of Massachusetts Office of the Attorney General's investigation into compliance with G.L. c. 164, ~ 116B, D.T.E. 06-48. Our response will be listed as items 1 through item 10.

- (1) Do not expand the Departments definition of "gate boxes" to include any distribution main or service line valve in a box that may be useful in an emergency. Main line valves and service line valves should be referred to, addressed and treated separately from one another as to not cause confusion. Consider using separate terminology such as "critical valve box", "gate box" and "service valve box" and develop separate requirements for them based on importance and feasibility.
- (2) It would not be practical or feasible from a financial and personnel standpoint to inspect all valves annually regardless of terminology used to distinguish them from one another.
- (3) There should be Commonwealth-wide standards for the identification of gate boxes as long as the scope of annual inspections does not significantly increase.
- (4) Expand the standard of "easily and immediately accessible" for gate boxes to prohibit any obstruction, such as dumpsters or other obstructions, from blocking quick access to valve boxes as long as the scope of annual inspections does not significantly increase.
- (5) There should be a definition of the Commonwealth's and local governments' responsibilities in communicating paving plans with gas operators.
- (6) Penalties by the department or recourse by legal action by the gas

operators toward the paving contractors to prohibit the paving over of identified valve/gate boxes of all kinds should be established.

- (7) The paving contractors should be required to use the one call system to allow operators to mark out, raise and repair valves and gate boxes before the paving project begins. This should be the standard on overlay jobs as well as complete resurfacing jobs.
- (8) Expand the Department's authority to include the imposition of meaningful penalties for only the frequent/multiple offenders of section 116B and of the one call requirement for overlays.
- (9) Compliance with Section 116B should be encouraged as well as the implementation of sponsored training. Waving of penalties pertaining to first finable offenses if perpetrator attends remedial training should be considered as well.
- (10) Any annual report filed regarding the newly paved streets should only state known violations of paved-over-valve/gate-boxes.

Wakefield Municipal Gas & Light Department thanks you for your consideration as to our opinions pertaining to the recommendations made regarding compliance with section 116B.

Very truly yours,

William J. Wallace,
Manager

cc William H. Stevens, Assistant General Counsel, Pipeline Engineering & Safety Division, Christopher Bourne, Director, Pipeline Energy & Safety Division

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